



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. #03-02

Subject of possible rule making: New Shoreline Management Act (SMA) Guidelines for Development/Amendment of Master Programs, executing a settlement agreement amongst litigating parties that implements statutory requirements to update the guidelines consistent with SMA policy, replacing invalidated Parts 3 and 4 of chapter 173-26 WAC; among other things establishing planning and regulatory standards for future shoreline development and uses, requirements for protection and restoration of shoreline ecological functions, guidance on the limitations of regulatory authority and shorelines and growth management act integration.

(a) Statutes authorizing the agency to adopt rules on this subject: Chapter 90.58 RCW; Chapter 36.70A, 36.70B RCW.

(b) Reasons why rules on this subject may be needed and what they might accomplish: The shoreline guidelines have not been comprehensively updated since original adoption thirty years ago. The existing guidelines do not recognize: advancements in science relating to how shorelines should be managed, changes in case law, the character of shoreline development and new innovations in shoreline management practice. In addition, the 1995 legislature directed Ecology to periodically review and adopt new guidelines consistent with SMA policy and integrate shorelines and growth management plans and development regulations. Updated guidelines will provide needed direction to local governments and the state in implementing the SMA.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Ecology is the principal state regulator in this subject area. However, state departments of community, trade and economic development, fish and wildlife, natural resources, agriculture and others are affected and will be consulted during development of the subject rule. The National Oceanic and Atmospheric Administration will also be consulted.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☒ Agency study

☒ Other (describe) Ecology will build upon past efforts of the Shorelines Policy Advisory Group, Land Use Study

Commission, Shorelines Guidelines Commission, and most recently the negotiating parties in guidelines litigation to develop a new rule. Participants in these efforts have included cities, counties, tribes, ports, forestry, mining, business, agricultural, and recreational interests, shoreline property owners, state agencies and legislators and environmental organizations. Ecology will continue to work with these parties throughout the rule development and adoption process.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Ecology will provide a schedule for rule adoption that will indicate opportunities for interested parties to obtain information and comment through the rule development process. For more information, contact:

[Peter Skowlund](#), Shorelands and Environmental Assistance Program, Washington State Department of Ecology

PO Box 47600, Olympia, Washington 98504-7600

Telephone: 360/407-6522

fax number: 360/407-6902

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 8 2003

NAME (TYPE OR PRINT)

Tom Fitzsimmons

SIGNATURE

TITLE
Director

DATE
1-7-03

TIME 9:06 AM
WSR 03-03-019